

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Crystal Tamara Conklin,

Petitioner,

Case Number 2:12-cv-10385

Honorable Paul D. Borman

v.

Millicent D. Warren,

Respondent.

OPINION AND ORDER DENYING MOTION FOR RECONSIDERATION [Dkt. 16]

Petitioner, Crystal Conklin, a state prisoner, filed this case under 28 U.S.C. § 2254. On February 14, 2014, the Court considered and rejected all of Petitioner's habeas claims on the merits. Presently before the Court is Petitioner's motion for reconsideration.

Local Rule 7.1(h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001). The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof. A palpable defect is a defect that is obvious, clear, unmistakable, manifest, or plain. *Witzke v. Hiller*, 972 F. Supp. 426, 427 (E.D. Mich. 1997).

In the present case, Petitioner notes in her motion that she failed to address the standard of review under 28 U.S.C. §2254(d) governing her habeas claims. Her motion attempts to incorporate the standard into the arguments raised in her petition. After due consideration, the Court finds that nothing in Petitioner's motion affects the analysis contained in the Court's resolution of Petitioner's claims. At its root, in fact, Petitioner's motion merely presents issues which were already ruled upon

by the court, either expressly or by reasonable implication, when the court denied the petition. Therefore, the motion for reconsideration will be denied. *See Hence v. Smith*, 49 F. Supp. 2d 547, 553 (E.D. Mich. 1999).

Accordingly, Petitioner's motion for reconsideration is therefore **DENIED**.

SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: July 28, 2014

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 28, 2014.

s/Deborah Tofil

Case Manager